

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450

Nancy S. Turover

Type or print name

*N S Turover*

Signature

Jan 21, 2005

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants:** Mattson, Ronald

**Art Unit:** 1626

**Serial No.:** 10/713,893

**Examiner:** Kamal A. Saeed

**Filed:** November 14, 2003

**Patent No:** 6,822,100

**Issue Date:** November 23, 2004

**For:** CYCLOPROPYLINDOLE DERIVATIVES AS SELECTIVE  
SEROTONIN REUPTAKE INHIBITORS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO THE COMMISSIONER (§1.181)

FOR CORRECTION OF INVENTORSHIP IN PATENT (§1.324)

Dear Sir:

This Petition pursuant to 37 C.F.R. 1.181 is to request Correction of Inventorship pursuant to 37 C.F.R. 1.324. Specifically, Applicant requests that Lawrence R. Marcin whose name was inadvertently omitted as an inventor in the instant patent be restored such that the inventors of this patent are Lawrence R. Marcin and Ronald J. Mattson.

This Petition for-Correction of Inventorship is accompanied by (1) Statement pursuant to §1.324(b)(1) by Lawrence R. Marcin, the only person being added as an inventor; (2) Statement pursuant to §1.324(b)(2) by Ronald J. Mattson, the only currently named inventor; (3) Statement pursuant to §1.324(b)(3) by the Assignee of both Lawrence R. Marcin and Ronald J. Mattson, Bristol-Myers Squibb Co.; and (4) Fee of \$130.00 pursuant to §1.20(b).

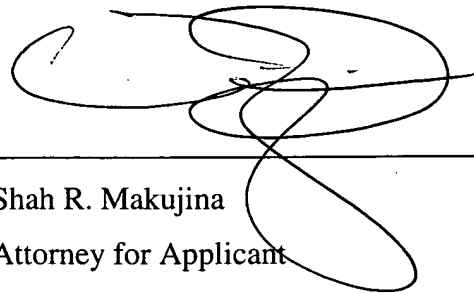
**Statement of Facts under §1.181(b)**

The instant patent U.S. 6,822,100, USSN 10/713,893 (Exhibit A) in which Lawrence R. Marcin was inadvertently omitted from is a divisional of U.S. 6,777,437, USSN 10/091,232 (Exhibit B) in which Lawrence R. Marcin and eight other inventors were correctly named. When filing the instant application, Dr. Marcin's name correctly appeared on the title page of the application along with Dr. Mattson's (Exhibit C). However, the accompanying "Petition to Delete Correctly Named Persons Who Are Not Inventors of Invention Now Being Claimed under 37 C.F.R. §1.48(b)" (Exhibit D) mistakenly *included* Dr. Marcin's name in the list of inventors from the parent case who were designated *not* to be inventors of the instant divisional patent. Due to this clerical error, Dr. Marcin's name was removed from the instant patent upon issuance when it should not have been. The inadvertent nature of this error is especially apparent being that the heading of said 1.48(b) Petition reads, "IN RE APPLICATION OF MARCIN ET AL.", *i.e.*, the very name inadvertently being requested for deletion as inventor.

**Action Requested**

In light of the above facts and the accompanying Statements and Exhibits, Applicant respectfully requests of the Commissioner that Lawrence R. Marcin be added as the first in a list of two inventors, *i.e.*, Lawrence R. Marcin of Bethany, CT (US) and Ronald J. Marcin of Meriden, CT (US) in U.S. 6,822,100.

Respectfully submitted,



Shah R. Makujina

Attorney for Applicant

Registration No. 41,174

Dated: 1/21/05

Bristol-Myers Squibb Company  
P.O. Box 4000  
Princeton, NJ 08543-4000  
Phone: (203) 677-7268  
Facsimile (203) 677-6900


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF LAWRENCE R. MARCIN PURSUANT TO §1.324(b)(1)**

Dear Sir:

I, Lawrence R. Marcin, hereby declare that the inventorship error of failing to include me as an inventor on U.S. 6,822,100 occurred without any deceptive intention on my part and that I am in agreement with the accompanying Petition to the Commissioner for Correction of Inventorship in Patent (§1.324) which requests adding me as an inventor to U.S. 6,822,100 such that the complete list of inventors of said patent should read, Lawrence R.. Marcin, Bethany, CT (US) and Ronald J. Mattson, Meriden, CT (US).

Dated: Jan 13, 2005

  
Lawrence R. Marcin, Ph.D.

Bristol-Myers Squibb Company  
P.O. Box 4000  
Princeton, NJ 08543-4000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicants:</b>	Mattson, Ronald	<b>Art Unit:</b>	1626
<b>Serial No.:</b>	10/713,893	<b>Examiner:</b>	Kamal A. Saeed
<b>Filed:</b>	November 14, 2003		
<b>Patent No:</b>	6,822,100		
<b>Issue Date:</b>	November 23, 2004		
<b>For:</b>	CYCLOPROPYLINDOLE DERIVATIVES AS SELECTIVE SEROTONIN REUPTAKE INHIBITORS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


**STATEMENT OF RONALD J. MATTSON PURSUANT TO §1.324(b)(2)**

Dear Sir:

I, Ronald J. Mattson, hereby declare that I am in agreement with the accompanying Petition to the Commissioner for Correction of Inventorship in Patent (§1.324) which requests adding Lawrence R. Marcin as an inventor to U.S. 6,822,100 such that the complete list of inventors of said patent should read, Lawrence R. Marcin, Bethany, CT (US) and Ronald J. Mattson, Meriden, CT (US).

Respectfully,

Dated: JANUARY 19 2005

  
Ronald J. Mattson, Ph.D.

Bristol-Myers Squibb Company  
P.O. Box 4000  
Princeton, NJ 08543-4000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicants:</b>	Mattson, Ronald	<b>Art Unit:</b>	1626
<b>Serial No.:</b>	10/713,893	<b>Examiner:</b>	Kamal A. Saeed
<b>Filed:</b>	November 14, 2003		
<b>Patent No:</b>	6,822,100		
<b>Issue Date:</b>	November 23, 2004		
<b>For:</b>	CYCLOPROPYLINDOLE DERIVATIVES AS SELECTIVE SEROTONIN REUPTAKE INHIBITORS		

Commissioner for Patents  
Washington, DC 20231

**STATEMENT OF ASSIGNEE §1.324(b)(3) & §3.73(b)**  
**IN SUPPORT OF PETITION TO THE COMMISSIONER §1.181**  
**FOR CORRECTION OF INVENTORSHIP IN PATENT §1.324**

Dear Sir:

This Statement of Assignee pursuant to §§1.324(b)(3) and 3.73(b) is in support of the Petition pursuant to 37 C.F.R. 1.181 to request Correction of Inventorship pursuant to 37 C.F.R. 1.324 for U.S. 6,822,100. Specifically, this Statement is from the Assignee, Bristol Myers Squibb Co., of all parties, Lawrence R. Marcin and Ronald J. Mattson, submitting statements under §§1.324(b)(1) and 1.324(b)(2) respectively in support of said Petition.

This Statement of Assignee serves to establish the entire right, title and interest of U.S. 6,822,100, by the Assignee of Lawrence R. Marcin and Ronald J. Mattson, said Assignee being Bristol Myers Squibb Co., a corporation. U.S. 6,822,100 is a divisional of U.S. 6,777,437 (USSN 10/091,232) where Lawrence R. Marcin, Ronald J. Mattson and seven other individuals were named inventors. Provided herein are (a) copies of the assignments of all nine inventors for the parent case, U.S. 6,777,437 / USSN 10/091,232 which were recorded beginning on Reel

012714 and Frame 0730 numbering 12 pages and (b) USPTO Notice of Recordation of Assignment Document. This assignment provides on page 2 that *inter alia* the entire right, title and interest of any divisionals filed from USSN 10/091,232 are also owned by the Assignee, Bristol Myers Squibb Co. Being that U.S. 6,822,100 is a divisional of U.S. 6,777,437 (USSN 10/091,232) and being that the only inventors of U.S. 6,822,100, Lawrence R. Marcin and Ronald J. Mattson are assignors of its parent case, U.S. 6,777,437 / USSN 10/091,232, Bristol Myers Squibb Co. owns the entire right, title and interest of U.S. 6,822,100.

The undersigned, whose title is supplied below, is authorized to act on behalf of the assignee.

Respectfully submitted,

Dated: JAN 12, 2005

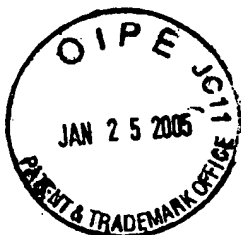
Stephen B. Davis

Stephen B. Davis

[TITLE] Senior Counsel, Patents

Registration No. 26,693

Bristol-Myers Squibb Company  
5 Research Parkway, P.O. Box 5100  
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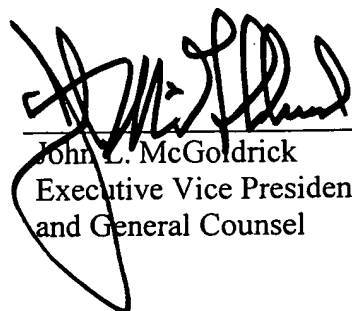
## CERTIFICATION

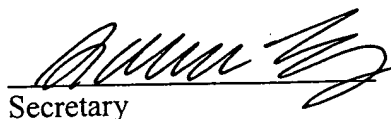
The undersigned, being the Executive Vice President and General Counsel of Bristol-Myers Squibb Company, hereby designates:

Suzanne Babajko  
Stephen B. Davis  
John M. Kilcoyne  
Christopher Klein  
Richard Ryan

(a) to present to the Patent, Trademark, Copyright and similar Government Offices of all countries or to any competent authority, all original, divisional, continuation and reissue applications, petitions and request in the name of Bristol-Myers Squibb Company and its subsidiary companies, for letters patent for inventions, utility models, industrial models and designs and improvements or additions thereof, trademarks and copyrights; (b) to initial and prosecute oppositions and appeals; (c) to appear before all officers duly authorized, all Ministers, Bureaus, Clerk's Offices and Commissions or Commissioners that may be necessary; (d) to sign and approve on behalf of this corporation all documents and powers of attorney which judgment of the authorized individuals may be necessary or desirable to carry out the powers hereby conferred; (e) to request all proceedings; (f) to pay over or withdraw all taxes, obtain receipts therefor and give discharge; (g) to withdraw applications and all documents relating thereto; (h) to commence proceedings against infringers and assure the defense in infringement actions; and (i) generally to do all that in the judgment of the authorized individual may be necessary to secure granting of the privileges above-mentioned.

IN WITNESS WHEREOF, I have placed my hand and caused the seal of the Company to be affixed hereto on this 8<sup>th</sup> day of APRIL 2003.

  
\_\_\_\_\_  
John L. McGoldrick  
Executive Vice President  
and General Counsel

  
\_\_\_\_\_  
Secretary



## UNITED STATES PATENT APPLICATION OF

Lawrence R. Marcin  
40 Ridgewood Drive  
Bethany, CT 06524

Ronald J. Mattson  
65 Smithfield Avenue  
Meriden, CT 06451

FOR

CYCLOPROPYLINDOLE DERIVATIVES AS SELECTIVE SEROTONIN  
REUPTAKE INHIBITORS

23914

PATENT TRADEMARK OFFICE

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EL 994350756 USDATE OF DEPOSIT NOV 14, 2003

I HEREBY CERTIFY THAT THE ATTACHED CORRESPONDENCE AND DOCUMENTS ARE BEING DEPOSITED  
WITH THE U.S. POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER  
37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER OF PATENTS,  
P. O. Box 1450, ALEXANDRIA, VA 22313-1450.

Shah R. Makujina  
(Signature)

11/14/2003  
(Date)



D

CASE CT2666DIV1



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EL 994356756 US  
Express Mail Label Number

NOV 14, 2003  
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

MARCIN ET AL.

APPLICATION NO: To be assigned

FILED: Herewith

FOR: CYCLOPROPYLINDOLE DERIVATIVES AS SELECTIVE SEROTONIN  
REUPTAKE INHIBITORS

MAIL STOP: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION AND FEE DELETING CORRECTLY NAMED PERSONS WHO ARE NOT INVENTORS OF  
INVENTION NOW BEING CLAIMED UNDER 37 C.F.R. § 1.48(b)**

Sir:

This petition under 37 C.F.R. § 1.48(b) is to delete the names of the following persons named as inventors who are not the inventors of the invention now being claimed:

Derek John Denhart, Jeffrey A. Deskus, Jonathan L. Ditta, Lawrence R. Marcin,  
James R. Epperson, John D. Catt, Dalton King and Mendi A. Higgins.

The claims in this application are originally filed claims 45 and 46.

Please charge deposit account no. 19-3880 in the name of Bristol-Myers Squibb Company in the amount of \$130 for payment of the fee. An additional copy of this paper is here enclosed. The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,

Shah R. Makujina  
Attorney for Applicants  
Reg. No. 41,174

Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000  
(203) 677-7268  
Date: 11/14/2003